

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BENTHOS MASTER FUND, LTD.,

Petitioner,

-against-

AARON ETRA,

Respondent.

20-CV-3384 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on December 14, 2022, the Court held Respondent Aaron Etra (“Etra”) in civil contempt and ordered his incarceration until (1) he produces all documents that he has previously been ordered to provide, all of which are readily obtainable, as set forth in the Court’s December 20, 2022 order (the “Contempt Order”), and (2) he pays Petitioner Benthos Master Fund, Ltd. (“Petitioner”) \$94,070.78, an obligation that will be reduced if Etra demonstrates an inability to pay that sum or that any of the items that make up that sum are exempt from Petitioner’s restraining notice, *see* Contempt Order, Dkt. 263;

WHEREAS on December 19, 2022, the Court ordered Etra to show cause why the Court should not require him to pay an additional \$30,787 to Petitioner, subject to the same possible reductions, not later than January 11, 2023 (the “OTSC”), *see* OTSC, Dkt. 259;

WHEREAS on January 6, 2023, the Court extended Etra’s deadline to respond to its OTSC until February 10, 2023, *see* Order, Dkt. 270;

WHEREAS on December 20, 2022, the Court ordered Petitioner to propose a protocol for the forensic examination performed on Etra’s devices that takes into account any possible claims of privilege Etra may have and ordered Etra to respond to the proposed protocol not later than January 27, 2023, *see* Order, Dkt. 263;

WHEREAS on January 24, 2023, the Court extended Etra’s deadline to respond to Petitioner’s proposed protocol until February 17, 2023, *see* Order, Dkt. 274;

WHEREAS on February 2, 2023, in light of newly produced account documents, the Court ordered Etra to show cause why the Court should not require him to pay an additional \$20,860.71 in order to purge his contempt in his response to the Court’s OTSC due on February 10, 2023 (the “Second OTSC”), *see* Second OTSC, Dkt. 280;

WHEREAS to date, Etra has not responded to the Court’s OTSC or to its Second OTSC;

WHEREAS on February 14, 2023, Etra’s counsel informed the Court that she became aware of a non-waivable conflict of interest and can therefore no longer represent Etra for the purposes of his civil contempt, *see* Dkt. 281; and

WHEREAS Etra’s counsel further requested that the Court extend Etra’s deadline to respond to Petitioner’s proposed protocol until March 20, 2023 so he can secure “expert advice” regarding his privacy rights in his electronic devices, *see id.* at 2;

IT IS HEREBY ORDERED that the parties must appear for a status conference on **Thursday, February 16, 2023 at 11:00 A.M.** in Courtroom 443, Thurgood Marshall U.S. Courthouse, 40 Foley Square, New York, NY 10007.

IT IS FURTHER ORDERED that, in light of Etra’s failure to respond to the Court’s OTSC, he must pay an additional \$51,647.71, subject to the same conditions set forth in the Contempt Order, in order to cure his contempt.

IT IS FURTHER ORDERED that Etra’s request for an extension to respond to Petitioner’s proposed protocol is DENIED. Etra has had ample time to prepare a response and may raise any privacy concerns in his response.

The Clerk of Court is respectfully directed to mail a copy of this Order to Etra at Aaron Etra, Reg. No. 36170-510, MDC-Brooklyn, P.O. Box 329002, Brooklyn, NY 11232, and to note the mailing on the public docket.

SO ORDERED.

Date: February 15, 2023
New York, New York

Valerie Caproni

VALERIE CAPRONI
United States District Judge